

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO.</b> _____
<b>v.</b>	<b>:</b>	<b>DATE FILED:</b> _____
<b>MICHAEL ROSS</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>WILLIAM DUNCAN</b>	<b>:</b>	<b>21 U.S.C. § 846 (conspiracy to distribute</b>
	<b>:</b>	<b>50 grams or more of cocaine base</b>
	<b>:</b>	<b>("crack") - 1 count)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (distribution</b>
	<b>:</b>	<b>of cocaine base ("crack") -7 counts)</b>
	<b>:</b>	<b>21 U.S.C. § 841(a)(1) (possession of five</b>
	<b>:</b>	<b>grams or more of cocaine base ("crack")</b>
	<b>:</b>	<b>with intent to distribute – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 924(c) (possession of a firearm</b>
	<b>:</b>	<b>in furtherance of a drug trafficking crime</b>
	<b>:</b>	<b>– 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 922(g)(1) (convicted felon in</b>
	<b>:</b>	<b>possession of a firearm – 1 count)</b>
	<b>:</b>	<b>18 U.S.C. § 2 (aiding and abetting)</b>
	<b>:</b>	<b>Notices of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

1. From at least on or about April 28, 2005 through on or about May 18, 2005, in Reading, in the Eastern District of Pennsylvania, defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

conspired and agreed, together and with others known and unknown to the grand jury, to knowingly and intentionally distribute 50 grams or more, that is, approximately 101.1 grams, of a mixture and substance containing a detectable amount of cocaine base ("crack"), a Schedule II

controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(A).

### **MANNER AND MEANS**

It was a part of the conspiracy that:

2. Defendant ROSS supplied cocaine base (“crack cocaine”) to defendant DUNCAN, who sold the crack cocaine to customers, retained a portion of the cash proceeds received from the sale, and gave the remainder of the cash proceeds to defendant ROSS.

3. Once defendant DUNCAN had negotiated the sale of crack cocaine, he called defendant ROSS, who prepared and supplied the crack cocaine from residences located at 457 Birch Street and/or 1251 Buttonwood Street in Reading, Pennsylvania, which he controlled.

4. Defendant ROSS then brought the crack cocaine to defendant DUNCAN, at an agreed upon location, where defendant Duncan sold it directly to the customer.

5. After the sales, defendants ROSS and DUNCAN met again to divide the cash proceeds.

### **OVERT ACTS**

In furtherance of the conspiracy and to accomplish its object, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about April 28, 2005, defendant ROSS supplied defendant DUNCAN with approximately 4.9 grams of crack cocaine, which defendant DUNCAN sold to a confidential source (the “CS”) known to the grand jury for approximately \$240 in cash.

2. On or about May 3, 2005, defendant ROSS supplied defendant DUNCAN with approximately 12.5 grams of crack cocaine, which defendant DUNCAN sold to the CS for approximately \$480 in cash.

3. On or about May 5, 2005, defendant ROSS supplied defendant DUNCAN with approximately 9.5 grams of crack cocaine and approximately 3.4 grams of powder cocaine, which defendant DUNCAN sold to the CS for approximately \$460 in cash.

4. On or about May 12, 2005, defendant ROSS supplied defendant DUNCAN with approximately 12.6 grams of crack cocaine, which defendant DUNCAN sold to the CS for approximately \$460 in cash.

5. On or about May 12, 2005, defendant ROSS supplied defendant DUNCAN with approximately 15 grams of crack cocaine, which defendant DUNCAN sold to the CS for approximately \$500 in cash.

6. On or about May 16, 2005 defendant ROSS supplied defendant DUNCAN with approximately 11.8 grams of crack cocaine, which defendant DUNCAN sold to the CS for approximately \$460 in cash.

7. On or about May 18, 2005, defendant ROSS supplied defendant DUNCAN with approximately 13.3 grams of crack cocaine, which defendant DUNCAN sold to the CS for approximately \$460 in cash.

8. On or about May 18, 2005, inside of 1251 Buttonwood Street in Reading, PA, defendant ROSS possessed approximately 14.5 grams of crack cocaine, drug paraphernalia, three loaded firearms, a bullet-proof vest, and approximately \$1,153 in cash, as well as an additional approximately 7 grams of crack cocaine inside of 457 Birch Street in Reading, PA.

All in violation of Title 21, United States Code, Section 846.

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about April 28, 2005, in Reading, in the Eastern District of Pennsylvania,  
defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, a mixture and  
substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled  
substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C), and  
Title 18, United States Code, Section 2.

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 3, 2005, in Reading, in the Eastern District of Pennsylvania, defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 12.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT FOUR**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 5, 2005, in Reading, in the Eastern District of Pennsylvania, defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 9.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT FIVE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 12, 2005, in Reading, in the Eastern District of Pennsylvania,  
defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 12.6 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT SIX**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 12, 2005, in Reading, in the Eastern District of Pennsylvania,  
defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 15 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.



**COUNT SEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 16, 2005, in Reading, in the Eastern District of Pennsylvania,  
defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 11.8 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT EIGHT**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 18, 2005, in Reading, in the Eastern District of Pennsylvania,  
defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally distributed, and aided and abetted the distribution of, five grams or more, that is, approximately 13.3 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B), and Title 18, United States Code, Section 2.

**COUNT NINE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 18, 2005, in Reading, in the Eastern District of Pennsylvania, defendant

**MICHAEL ROSS and  
WILLIAM DUNCAN**

knowingly and intentionally possessed with intent to distribute, and aided and abetted the possession with intent to distribute of, 5 grams or more, that is, approximately 21.5 grams, of a mixture and substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

**COUNT TEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 18, 2005, in Reading, in the Eastern District of Pennsylvania, defendant

**MICHAEL ROSS**

knowingly and intentionally possessed a firearm, that is:

a 9-mm Ruger semiautomatic pistol, serial number 310-28506, loaded with eight rounds of ammunition;

a Glock model 26 9-mm semiautomatic pistol, serial number BUE055US, loaded with eight rounds of ammunition; and,

a Browning 9-mm semiautomatic pistol, serial number 945NT02136, loaded with seven rounds of ammunition,

in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c).

**COUNT ELEVEN**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about May 18, 2005, in Reading, in the Eastern District of Pennsylvania, defendant

**MICHAEL ROSS,**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate and foreign commerce, a firearm, that is,

a 9-mm Ruger semiautomatic pistol, serial number 310-28506, loaded with eight rounds of ammunition;

a Glock model 26 9-mm semiautomatic pistol, serial number BUE055US, loaded with eight rounds of ammunition; and,

a Browning 9-mm semiautomatic pistol, serial number 945NT02136 loaded with seven rounds of ammunition.

In violation of Title 18, United States Code, Section 922(g)(1).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 18, United States Code, Sections 924(c) and 922(g)(1), as set forth in this indictment, the defendant

**MICHAEL ROSS**

shall forfeit to the United States of America the firearms and ammunition involved in the commission of these offenses, including, but not limited to:

one 9-mm Ruger semiautomatic pistol, serial number 310-28506, and eight rounds of ammunition;

one Glock model 26 9-mm semiautomatic pistol, serial number BUE055US, and eight rounds of ammunition; and,

one Browning 9-mm semiautomatic pistol, serial number 945NT02136, and seven rounds of ammunition.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

## **NOTICE OF FORFEITURE**

### **THE GRAND JURY FURTHER CHARGES THAT:**

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 846, as set forth in this indictment, defendants

**MICHAEL ROSS and  
WILLIAM DUNCAN**

shall forfeit to the United States of America:

(a) Any property used or intended to be used, in any manner or part, to commit, or facilitate the commission of, these violations, including but not limited to \$1,153 in United States currency, one 9-mm Ruger semiautomatic pistol, serial number 310-28506, and eight rounds of ammunition; one Glock model 26 9-mm semiautomatic pistol, serial number BUE055US, and eight rounds of ammunition; and, one Browning 9-mm semiautomatic pistol, serial number 945NT02136, loaded with seven rounds of ammunition recovered from 1251 Buttonwood Street, Reading, Pennsylvania on May 18, 2005.

(b) Any property constituting, or derived from, any proceeds obtained directly or indirectly as a result of such violations, including but not limited to \$1,153 in United States currency seized from 1251 Buttonwood Street, Reading, Pennsylvania on May 18, 2005.

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;

- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

All pursuant to Title 21, United States Code, Section 853.

**A TRUE BILL:**

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**FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**